



STATE OF NEW YORK

UNEMPLOYMENT INSURANCE APPEAL BOARD

PO Box 15126

Albany NY 12212-5126

DECISION OF THE BOARD

Mailed and Filed: JUNE 09, 2022

IN THE MATTER OF:

Appeal Board No. 621972

PRESENT: RANDALL T. DOUGLAS, MEMBER

The Department of Labor issued the initial determination holding the claimant ineligible to receive benefits, effective beginning May 17, 2021 and ending on June 6, 2021, on the basis that the claimant did not comply with registration requirements. The claimant requested a hearing.

The Administrative Law Judge held a telephone conference hearing at which testimony was taken. There was an appearance by the claimant. By decision filed March 11, 2022 (), the Administrative Law Judge overruled the initial determination.

The Commissioner of Labor appealed the Judge's decision to the Appeal Board. The Board considered the arguments contained in the written statement submitted on behalf of the Commissioner of Labor.

Our review of the record reveals that the case should be remanded to hold a hearing. At the hearing, the claimant raised new information relevant to whether he did not comply with registration requirements. Specifically, the claimant contended that he filed a claim for benefits on May 17, 2021. He also contended that he received an email from the Department of Labor which welcomed him into the program. Therefore, the Board has determined that a new hearing should be held for development of the record regarding this new information offered at the hearing. In this regard, the Commissioner of Labor shall be represented and shall be afforded an opportunity to present testimony and evidence regarding the issue of compliance with registration

requirements. The Commissioner of Labor representative shall be confronted

with the documents accepted for the record at the March 8, 2022 hearing and shall be provided an opportunity to offer objections to the documents acceptance into the record. The claimant shall produce the email that he received from the Department of Labor, which welcomed him into the program, which shall be accepted into evidence after the parties have been confronted with the document and provided an opportunity to offer objections regarding accepting the document into evidence. The Commissioner of Labor representative shall be afforded an opportunity to cross-examine the claimant regarding his testimony from the March 8, 2022 hearing. The parties will have the opportunity to provide any new, relevant, and material, testimony and evidence, and cross-examine opposing witnesses.

Now, based on all of the foregoing, it is

ORDERED, that the decision of the Administrative Law Judge be, and the same hereby is, rescinded; and it is further

ORDERED, that the case shall be, and the same hereby is, remanded to the Hearing Section to hold a hearing on the issue only, upon due notice to all parties and their representatives; and it is further

ORDERED, that the hearing shall be conducted so that there has been an opportunity for the above action to be taken, and, so that at the end of the hearing, all parties will have had a full and fair opportunity to be heard; and it is further

ORDERED, that an Administrative Law Judge shall render a new decision, on the issue, which shall be based on the entire record in this case, including the testimony and other evidence from the original and the remand hearings, and which shall contain appropriate findings of fact and conclusions of law.

RANDALL T. DOUGLAS, MEMBER